

Atty. Dkt. No. 040373-0309

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N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Eiji KASUTANI

Title:

IMAGE RETRIEVING APPARATUS, IMAGE RETRIEVING

METHOD AND RECORDING MEDIUM FOR RECORDING PROGRAM TO IMPLEMENT THE IMAGE RETRIEVING

METHOD

Appl. No.:

09/955,142

Filing Date:

09/19/2001

Examiner:

Mishawn N. Dunn

Art Unit:

2621

Confirmation

8365

Number:

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims 10/2the present application 5142

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TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

RELEVANCE OF EACH DOCUMENT

The documents listed on the attached PT0/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. A partial English translation of the Japanese Office Action of March 14, 2007, follows:

[I]n image retrieval systems, technology for grouping the results of a search, and technology for extracting representative images from said groups [are described], for example, [in] Japanese Unexamined Patent Application Publication H11-316846.)

Moreover, [there is described] grouping images that are temporally continuous (in, for example, Japanese Unexamined Patent Application Publication H5-181905), searching query images using video (in, for example, Nevenka Dimitrava, Content-based video retrieval by example video clip), and extracting a characteristic quantity after compressing the image (in, for example, Japanese Unexamined Patent Application Publication 2000-259832).

- <List of Cited Literature, etc.>
- <Literature Already Cited>
- 1. Japanese Unexamined Patent Application Publication H10-207897
- <Literature That Was Known at the Time of the Patent Application>
- 2. Japanese Unexamined Patent Application Publication H11-316846
- 3. Japanese Unexamined Patent Application Publication H5-181905

- 4. Nevenka Dimitrava, Mohammed Abdel-Mottaleb, Content-based video retrieval by example video clip, Storage and Retrieval for Image and Video Databases 5, Proceedings of SPIE, United States, Society of Photo-Optical Instrumentation Engineers (SPIE), February 13, 1997, Volume 3022, Pages 59-70
- 5. Japanese Unexamined Patent Application Publication 2000-259832

Document D1 is a U.S. counterpart of Document D2.

Copies of Documents D4-D6 are not provided herewith as these documents were submitted with Applicant's Information Disclosure Statements of 09/19/2001, 04/02/2006 and 10/03/2006.

Applicant's statements regarding the Japanese office action are based on a translation that applicant's representative obtained. These statements should in no way be considered as an agreement by applicants, with or an admission of, what is asserted in the Japanese office action.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

FEE

A credit card payment form in the amount of \$180.00 is enclosed in accordance with 37 CFR §1.17(p) to cover the fee associated with an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: May 9, 2007

FOLEY & LARDNER LLP Customer Number: 22428 Telephone: (202) 945-6014 Facsimile: (202) 672-5399 George C. Beck Attorney for Applicant Registration No. 38,072

> Phillip J. Articola Registration No. 38,819

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control

number. Substitute for form 1449/PTO Complete if Known 09/955,142 **Application Number** INFORMATION DISCLOSURE 09/19/2001 STATEMENT BY APPLICANT **Filing Date** Eiji KASUTANI **First Named Inventor** Date Submitted: May 9, 2007 2621 Art Unit (use as many sheets as necessary) **Examiner Name** Mishawn N. Dunn 040373-0309 Sheet of 1 Attorney Docket Number 1

| | | | U.S. PATENT DO | CUMENTS | | |
|--------------------|--------------|--|----------------|--|--|--|
| Examiner Initials* | Cite No.1 | Document Number | | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | |
| | | Number-Kind Code ² (if known) | | | | |
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| UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS | | | | | |
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| Examiner Initials* | Cite No.1 | U.S. Patent Application Document Serial Number-Kind Code ² (if known) | Filing Date of Cited Document MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| Examiner Initials* | Cite No.1 | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (<i>if known</i>) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
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| | D3 | JP 5-181905 | 07-23-1993 | OLYMPUS OPTICAL CO. LTD. | | A |
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| | D5 | JP 2000-259832 | 09-22-2000 | NEC CORP. | | |

| NON PATENT LITERATURE DOCUMENTS | | | | |
|---------------------------------------|--------------|--|----------------|--|
| Examiner Initials* | Cite No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁸ | |
| | D6 | N. DIMITROVA et al., "Content-based video retrieval by example video clip," Storage and Retrieval for Image and Video Databases 5, Proceedings of SPIE, U.S. Society of Photo-Optical Instrumentation Engineers, February 13, 1997, Vol. 3022, pp. 59-70. | | |
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| Examiner Signature | Date Considered | |

EXAMINER; Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.: This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office. P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.